



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/698,215

10/31/2003

John A. Baumann

BO1 - 0116US

1498

60483

7590

05/16/2008

LEE & HAYES, PLLC  
421 W. RIVERSIDE AVE.  
SUITE 500  
SPOKANE, WA 99201

EXAMINER

WATSON, ROBERT C

ART UNIT

PAPER NUMBER

3723

MAIL DATE

DELIVERY MODE

05/16/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/698,215	<b>Applicant(s)</b> BAUMANN, JOHN A.	
	<b>Examiner</b> Robert C. Watson	<b>Art Unit</b> 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 3,5,6,9,10,13 and 16-61 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8,11,12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/28/08,11/8/07,7/19/07</u> .                                 | 6) <input type="checkbox"/> Other: _____                          |

Claims 1-2, 4, 7, 8, 11, 12, 14, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites that "each arm comprises a securing component". This is found to be misdescriptive. Figure 6 shows a first arm 131 and a second arm 133, but only the second arm 133 includes the securing component (ie., the pinchers 138).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearman in view of Haumann et al supra and further in view of Duke (filed 8/28/03).

Dearman shows force applying units 38 coupled by a moveable pivot to form a chain of force applying units. A first end coupling unit 22 is connected to a first end support 49 which is connected to a first anchor 33. A second end coupling unit 20 is connected to second end support 28 which is connected to a second anchor 26. The coupling units of Dearman are not lockable.

Haumann et al teaches that a plurality of force applying units used for clamping a workpiece may be simultaneously actuated by pneumatic or hydraulic means. The examiner takes Official Notice that force applying units may be fluid or mechanical such

my means of a screw and that these mechanical units may similarly be simultaneously actuated in a manner similar to that shown in Haumann et al.

Duke teaches that coupling units may have a first arm 5, a second arm 6, a ball and socket.

To make the coupling unit pivots of Dearman lockable and also to comprise a first and second arm, a ball and a socket would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Duke. One of ordinary skill in the art would have been motivated to do this in order to provide a more stable clamping structure.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dearman in view of Haumann et al and Duke supra and further in view of Jackson.

Jackson teaches that the ball for use in a ball and socket may have knurling. To provide knurling in the ball supra would have been obvious in view of the teachings of Jackson. One skilled in the art would have been motivated to do this in order to enhance the frictional grip between the ball and the socket.

Claims 7, 8, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dearman in view of Haumann et al and Duke supra and further in view of Smith.

Smith teaches that a lockable pivot may be actuated externally by pneumatic means using a solenoid (column 8, line 15).

To actuate the lockable pivots supra externally by pneumatic means using a solenoid would have been obvious for one skilled in the art at the time the invention was

made in view of the disclosure of Smith. One of ordinary skill in the art would have been motivated to do this in order to reduce manual effort in using the clamp arrangement. Whether the force applying means is pneumatic or an electric operated screw is no more than an obvious matter of design choice absent a showing of criticality for this feature.

Claims 3, 5-6, 9-10, 13, and 16-61 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/28/08 and 12/5/05.

Applicant's remarks have been given careful consideration. The new structure presented in the claim amendments are found to be obvious in view of the newly applied art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert C. Watson/

Primary Examiner, Art Unit 3723

rcw

Application/Control Number: 10/698,215  
Art Unit: 3723

Page 6